

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

Case No.

1:10m 39

Katherine A. Hoover's Residence, Lost Creek, Harrison
 County West Virginia (see Attachment A)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Northern District of West Virginia
 (identify the person or describe the property to be searched and give its location):

Katherine A. Hoover's Residence, Lost Creek, Harrison County West Virginia (see Attachment A).

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B - items to be seized - Katherine A. Hoover's residence

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

March 10, 2010

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

JAMES E. Seibert
 (name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____

Date and time issued:

MARCH 9, 2010
 10:26 AM

Judge's signature

City and state:

WHEELING WV

Printed name and title

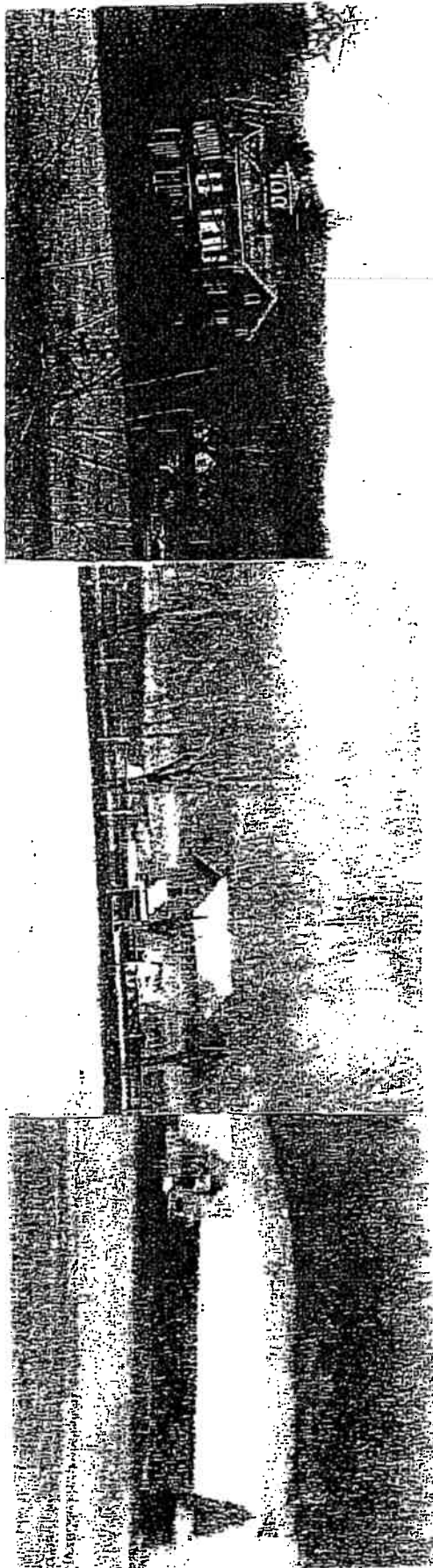
JAMES E. Seibert
 USMA

FENGAD 800-631-6989

GOVERNMENT
EXHIBIT

1

Katherine A. Hoover's Residence
Lost Creek, Harrison County, West Virginia



State of West Virginia, Harrison County, Northern Judicial District, near the unincorporated community of Romines Mills, a two story red brick structure with an attic and an ornamental gazebo type structure situated on the roof. The structure is situated to the west side of West Virginia State Route 20 and is approximately .5 miles north of the intersection of West Virginia State Route 20 and Harrison County Secondary Route 48 (Johnstown Road). The location is additionally described as being one mile south of the intersection of the West Virginia State Route 20 and Harrison County Secondary Route 20/22 (Raccoon Creek Road). Access to the location is via an asphalt paved driveway intersecting with the west berm of West Virginia State Route 20. At the driveway entrance are several large stones at the edges of the driveway and a white in color mailbox with the numbers "203" on it, near the intersection of the driveway and West Virginia State Route 20. Situated directly behind (to the west side) of the main structure is a two story structure with white siding and red brick. The rear structure appears to be a multi car garage, with a living area above. This structure has what appear to be three dormers that are white in color and a concrete parking area in front of the structure. Situated further to the northwest of the main structure are two large barn type structures and at least one smaller outbuilding.

Directions: From the I-79 exit 115 (Quiet Dell/Nutter Fort Exit), travel 6.3 miles south on West Virginia State Route 20. At the intersection of Harrison County Secondary Route 20/22 (Raccoon Run Road) continue south on West Virginia State Route 20 for one (1) additional mile. The driveway to the location turns to the right (west).

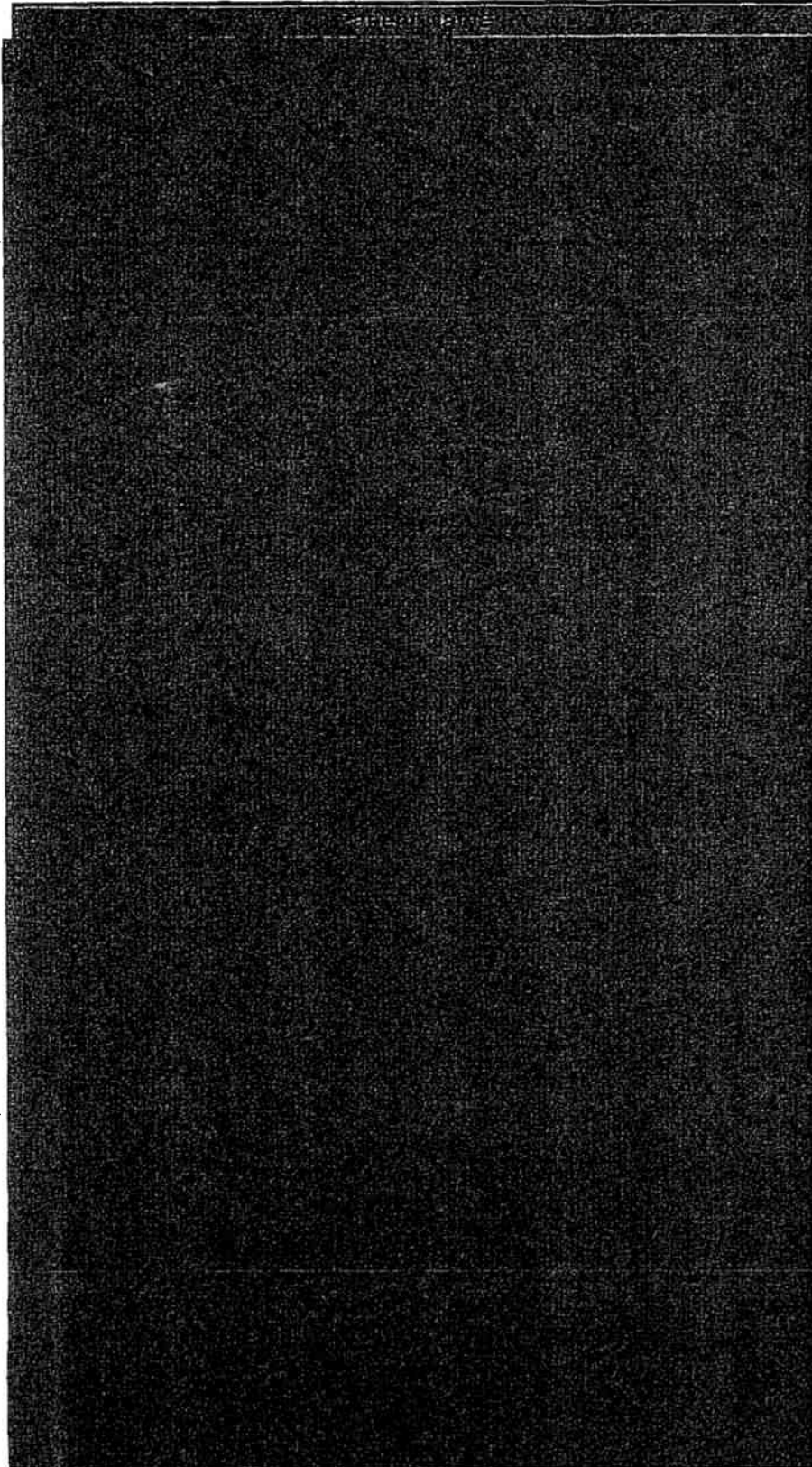
ATTACHMENT
A

ITEMS TO BE SEIZED

The government seeks to seize the following items which are believed to be kept and maintained on the premises described in the Search Warrant:

- (1) With regard to the patients identified on the attached "Complete Patient Seizure List":
 - (a) Complete patient files and billing information, including but not limited to, clinical records, course of treatment plans, progress notes, charts, superbills, fee tickets, encounter forms, routing slips, and similar documents; patient bills, invoices, insurance claims, claim forms, CMS (HCFA) 1500 claims forms, explanations of benefits, copies of checks or electronic transfers of payments, billing and payment records, patient ledgers or account cards; all schedule books, calendars, appointment books, patient sign-in logs or sheets and similar records;
 - (b) All correspondence that in any way relates to the patients;
 - (c) All laboratory test orders and laboratory test results; and
 - (d) Any and all agreements with patients.
- (2) All documents and records reflecting general Medicare and Medicaid policies, transmittals, program memoranda, and other billing guidance;
- (3) All CPT Manuals or similar coding manuals or binders;
- (4) Any other documents, records and items that relate, in any way, to general medical coding or billing;
- (5) Any pre-signed, pre-filled, or post dated prescription slips and/or pads;
- (6) The computer hardware (and associated peripherals) associated with any and all computers maintained at the search site - for the purpose of making a mirror image;
- (7) With regard to Mountain Medical/Williamson Wellness Center:
 - (a) Personnel schedules, personnel files, including but not limited to employee rosters, names, addresses, telephone numbers, time cards, contracts or similar records and training records;
 - (b) Any and all biographical, financial, and business documents, to include but not limited to memorandums, letters, correspondences, contracts, bank records, credit card information relating to the purchase and operations of Mountain Medical Center/Williamson Wellness Center;
- (8) Personal and business financial records for Mountain Medical Care Center, LLC, Williamson Wellness Center, Myra Miller, Dr. William Ryckman, Dr. Katherine Hoover, and Dr. J. Victorino R. Teleron, Jr., and MOO Management.
- (9) Any and all documents and records, contracts, writings, electronic mailings or other material indicating or relating to the receipt and payment of money to or from other persons or entities.
- (10) Cash monies located on the premises.

(COMPLETE Patient Seizure List



AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

[illegible]

U.S. Department of Health Human Services
Office of Inspector General
Office of Investigations

Inventory

Date: 3/2/10
Start Time: 11:15 a.m.
End Time: 4:45 pm

Warrant Given To: Left at scene
Warrant Served On: N/A
Address: Rt 2 Box 203 Lost Creek, WV 26305
Inventory Given To: Left at scene
Evidence Log: R. Wardlaw

[illegible]

Inventory

<i>ID</i>	<i>Description</i>
S2-E-001	WesRanco Savings Account Book and Statement
S2-I-007	Compaq Presario SR5010NX and Logitech thumbdrive
S2-J-003	Compaq Presario Desktop S5200NX
S2-O-004	Various bank statements and tax records in a clear Staples tote with a blue lid
S2-O-005	2005 Income tax records in clear tote with clear top
S2-O-006	2006 Income tax records in clear tote with blue top
S2-O-008	2009 various financial records for K. Hoover and J. Tomasic
S2-O-009	2008 various financial documents
S2-O-010	2004 various financial documents
S2-P-002	Great American Title and Mortgage Co paperwork

Inventory

<i>ID</i>	<i>Description</i>
S3-E-001	Financial documents and title to BMW
S3-E-002	Apple Macbook (white)
S3-E-003	iMac (white)

Inventory

<i>ID</i>	<i>Description</i>
S1-A-001	Financial documents for John Tomasic, correspondence to Katherine Hoover from WV Board of Medicine, \$5,000 check from K. Hoover to Skymark
S1-A-002	Black emachines net book- S/N LXN970D00194652ED41601
S1-A-003	White Apple MAC laptop computer- S/N - W89111N34R1
S1-B-004	Dept of Transportation DMV Title for 2006 Ford titled to Stephen Tomasic
S1-B-005	Deed between John Clemens and Stephen Tomasic made 12/28/09
S1-B-006	US Cellular bill- Katherine Hoover dated 1/16/10
S1-B-007	WesBanco check # 522 - No Pay To but signed by Katherine Hoover for \$367.00
S1-D-008	Emachines Tower, wireless device and memory card

AO 106 (Rev. 06/09) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
Northern District of West Virginia

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Katherine A. Hoover's Residence, Lost Creek, Harrison
County West Virginia (See Attachment A)

Case No. 1:10mj9

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Katherine A. Hoover's Residence, Lost Creek, Harrison County West Virginia

located in the Northern District of West Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment B- Items to be seized - Katherine Hoover's residence

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

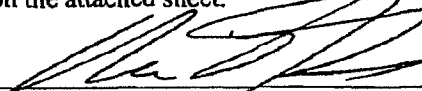
The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 846, 841(a)(1), 843(a)(2) and (3) and 18 U.S.C. §§ 1347 and 2	Conspiracy to distribute controlled substances; distribution of controlled substances; conspiracy to obtain by fraud; conspiracy to misuse a registration number and health care fraud/aiding and abetting.

The application is based on these facts:

See Attachment C (Affidavit).

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

MICHAEL T. SMITH

Printed name and title

Sworn to before me and signed in my presence.

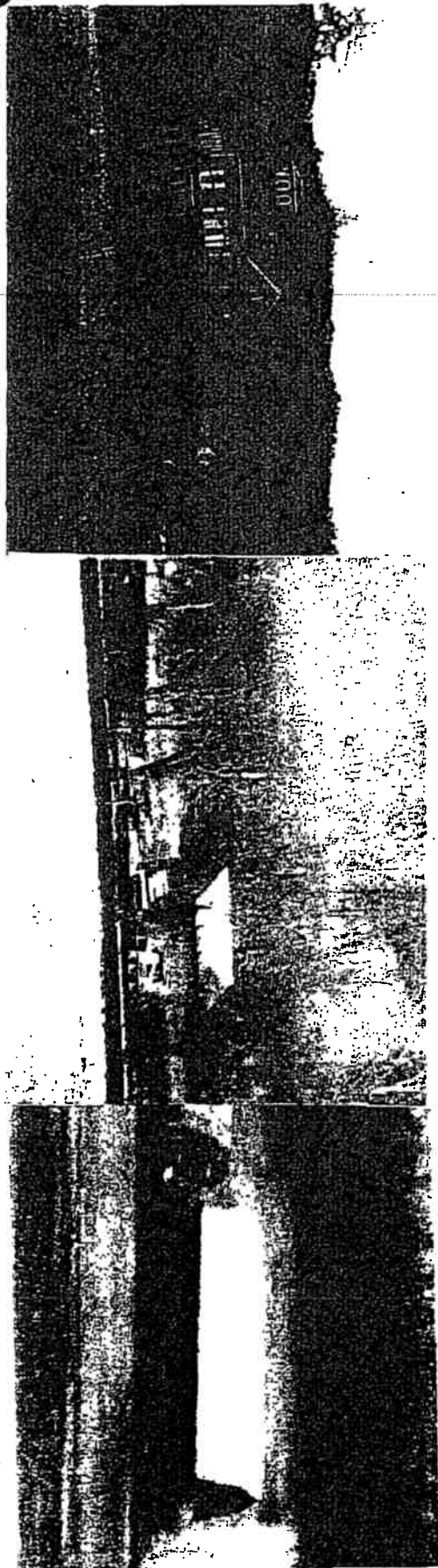
Date: MARCH 1, 2010City and state: Wheeling WV

Judge's signature

James E. Seibert USMJ

Printed name and title

Katherine A. Hoover's Residence
Lost Creek, Harrison County, West Virginia



Attachment A

State of West Virginia, Harrison County, Northern Judicial District, near the unincorporated community of Romines Mills, a two story red brick structure with an attic and an ornamental gazebo type structure situated on the roof. The structure is situated to the west side of West Virginia State Route 20 and is approximately .5 miles north of the intersection of West Virginia State Route 20 and Harrison County Secondary Route 48 (Johnstown Road). The location is additionally described as being one mile south of the intersection of the West Virginia State Route 20 and Harrison County Secondary Route 20/22 (Raccoon Creek Road). Access to the location is via an asphalt paved driveway intersecting with the west berm of West Virginia State Route 20. At the driveway entrance are several large stones at the edges of the driveway and a white in color mailbox with the numbers "203" on it, near the intersection of the driveway and West Virginia State Route 20. Situated directly behind (to the west side) of the main structure is a two story structure with white siding and red brick. The rear structure appears to be a multi car garage, with a living area above. This structure has what appear to be three dormers that are white in color and a concrete parking area in front of the structure. Situated further to the northwest of the main structure are two large barn type structures and at least one smaller outbuilding.

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 - (b) All correspondence that in any way relates to the patients;
 - (c) All laboratory test orders and laboratory test results; and
 - (d) Any and all agreements with patients.
- (2) All documents and records reflecting general Medicare and Medicaid policies, transmittals, program memoranda, and other billing guidance;
- (3) All CPT Manuals or similar coding manuals or binders;
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- (5) Any pre-signed, pre-filled, or post dated prescription slips and/or pads;
- (6) The computer hardware (and associated peripherals) associated with any and all computers maintained at the search site - for the purpose of making a mirror image;
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 - (a) Personnel schedules, personnel files, including but not limited to employee rosters, names, addresses, telephone numbers, time cards, contracts or similar records and training records;
 - (b) Any and all biographical, financial, and business documents, to include but not limited to memorandums, letters, correspondences, contracts, bank records, credit card information relating to the purchase and operations of Mountain Medical Center/Williamson Wellness Center;
- (8) Personal and business financial records for Mountain Medical Care Center, LLC, Williamson Wellness Center, Myra Miller, Dr. William Ryckman, Dr. Katherine Hoover, and Dr. J. Victorino R. Teleron, Jr., and MOO Management.
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Attachment B

COMPLETE Patient Seizure List

